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October 30, 2017

The Honorable Karen M. Williams, U.S.M.J.
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building
4th & Cooper Streets
Camden, NJ 08101

RE: Jill Sider and Phil Sider v. Tropicana Atlantic City Corp. and Tropicana AC Sub Corp.
Docket No.: United States District Court District of New Jersey 1:17-CV-04780
D/A: October 30, 2015
Claim No.: 1810260349
Our File No.: 101.81053

Dear Judge Williams:

By way of brief background, our office represents Defendant, Tropicana Atlantic City Corp. ("The Tropicana") regarding an alleged slip & fall incident that occurred in one of the guest rooms at the property on October 30, 2015.

Please accept this letter as a request for a case management conference with Your Honor pursuant to L.R.C.P. 16.1(f)(1) to resolve a case management dispute that has arisen as a result of a Litigation Hold Letter dated October 24, 2017 that our office received from Plaintiffs' counsel. The Litigation Hold Letter requests the preservation of components of the subject room for litigation that Plaintiffs' have already had the opportunity to inspect.

As Your Honor may recall, a Case Management Order was entered by Your Honor on October 17, 2017. Part of that order required the Plaintiffs to inspect the guest room where the incident allegedly occurred before October 30, 2017. Counsel from Plaintiffs' firm and their expert engineer inspected the subject guest room on October 24, 2017. They were given unlimited parameters and unlimited time to perform whatever tests they deemed necessary. During the inspection they never indicated any problems with the scope of the inspection. Plaintiffs' counsel has been on notice since August 2017 that the Tropicana will be undergoing renovations to the entire property. The Tropicana made accommodations to preserve the room for the Plaintiffs up through October 30, 2017, in order for them to perform any inspections that they deemed appropriate.

Plaintiffs' counsel by way of letter dated October 24, 2017, now requests that The Tropicana preserve for litigation all of the floor tiles, the shower curtain and the shower head pertaining to the subject room or they will seek a spoliation inference jury charge at the time of trial.


Given that the Plaintiffs have already had ample opportunity to inspect these materials, there should be no reason that said materials should be preserved for trial since the expert inspection has already occurred. Defendant, The Tropicana, would have to incur unnecessary costs to preserve and store these materials for trial.

Our office has reached out to Plaintiffs' counsel in an attempt to resolve this matter by way of letter dated October 30, 2017, however Plaintiffs' counsel responded that they are not willing to withdraw their litigation hold demand.

For the foregoing reasons, Defendant, The Tropicana, respectfully requests a Case Management Conference before Your Honor to address this dispute.

Respectfully Submitted,

KENT & McBRIDE, P.C.

By: 
Sean P. Hart, Esquire

CC: Gary Rosen, Esq.